

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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DR. ALAN SACERDOTE, et al.,

Plaintiffs,

v.

NEW YORK UNIVERSITY,

Defendant.

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Case No.: 1:16-cv-06284

ECF Case (Judge Katherine B. Forrest)

**DECLARATION OF IAN C. TAYLOR**

IAN C. TAYLOR hereby declares as follows:

1. I am a partner with the law firm of DLA Piper LLP (US), counsel for Defendant, New York University (“NYU”), in the above-captioned action and I have personal knowledge of the facts set forth herein, except where otherwise noted. I respectfully submit this Declaration in support of NYU’s Motion for Summary Judgment pursuant to Federal Rule of Civil Procedure 56.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the Amended Complaint (ECF No 39) filed in this action.

3. Attached hereto as **Exhibit 2** is a true and correct copy of the New York University Retirement Plan for Members of the Faculty, Professional Research Staff and Administration, Amended and Restated Effective January 1, 2014 (“Faculty Plan”) (NYU0042542-78) produced by NYU in this action.

4. Attached hereto as **Exhibit 3** is a true and correct copy of the New York University School of Medicine Retirement Plan for Members of the Faculty, Professional

Research Staff and Administration, Amended and Restated Effective January 1, 2016 (“Medical Plan”) (NYU0116960-7004) produced by NYU in this action.

5. Attached hereto as **Exhibit 4** is a true and correct copy of the Expert Report of Marcia S. Wagner, Esq., which NYU severed on Plaintiffs on December 22, 2017.

6. Attached hereto as **Exhibit 5** is a true and correct copy of the Plan Sponsor Council of America 2017 403(b) Plan Survey, which is available for purchase by the public at [https://www.pasca.org/2017\\_403b\\_report](https://www.pasca.org/2017_403b_report).

7. Attached hereto as **Exhibit 6** is a true and correct copy of relevant excerpts of the deposition testimony transcript of Chittenden, dated November 22, 2017.

8. Attached hereto as **Exhibit 7** is a true and correct copy of the 2016 Form 5500 for the Faculty Plan (NYU0164134-76) produced by NYU in this action.

9. Attached hereto as **Exhibit 8** is a true and correct copy of the 2016 Form 5500 for the Medical Plan (NYU0164089-133) produced by NYU in this action.

10. Attached hereto as **Exhibit 9** is a true and correct copy of the August 25, 2016 Vanguard All-in fee disclosure (as of June 30, 2016) (NYU0007185-217) produced by NYU in this action.

11. Attached hereto as **Exhibit 10** is a true and correct copy of the January 1, 2016 to December 31, 2016 TIAA-CREF Investment Fee & Expense Disclosure for New York University (TIAA\_NYU\_00004772-73) produced by third-party Teachers Insurance and Annuity Association New York, N.Y. (“TIAA”) in this action.

12. Attached hereto as **Exhibit 11** is a true and correct copy of the January 1, 2016 to December 31, 2016 TIAA-CREF Investment Fee & Expense Disclosure for NYU School of Medicine (TIAA\_NYU\_00000122-25) produced by third-party TIAA in this action.

13. Attached hereto as **Exhibit 12** is a true and correct copy of the 404a-5 Fee Disclosure for the Faculty Plan (as of March 31, 2016) (NYU0006838-62) produced by NYU in this action.

14. Attached hereto as **Exhibit 13** is a true and correct copy of the August 26, 2016 404a-5 Fee Disclosure for the Medical Plan (as of June 30, 2016) (NYU0163399-420) produced by NYU in this action.

15. Attached hereto as **Exhibit 14** is a true and correct copy of the March 10, 2008 TIAA-CREFF Recordkeeping Services Agreement (Faculty Plan) (NYU0000244-57) produced by NYU in this action and which was entered as an Exhibit by Plaintiffs in the deposition of Petti.

16. Attached hereto as **Exhibit 15** is a true and correct copy of the August 31, 2008 Amendment No. 1 to TIAA-CREF Recordkeeping Services Agreement (Faculty Plan) (NYU0000416-17) produced by NYU in this action.

17. Attached hereto as **Exhibit 16** is a true and correct copy of the March 9, 2012 Amendment No. 2 to TIAA-CREF Recordkeeping Services Agreement (Faculty Plan) (NYU0000274-75) produced by NYU in this action.

18. Attached hereto as **Exhibit 17** is a true and correct copy of the July 9, 2012 Amendment No. 3 to TIAA-CREF Recordkeeping Services Agreement (Faculty Plan) (NYU0000241-43) produced by NYU in this action.

19. Attached hereto as **Exhibit 18** is a true and correct copy of the September 18, 2015 Amendment No. 4 to the TIAA-CREF Recordkeeping Services Agreement (Faculty Plan) (NYU0000410-15) produced by NYU in this action.

20. Attached hereto as **Exhibit 19** is a true and correct copy of the January 1, 2012 Vanguard Recordkeeping Fee Agreement (Faculty Plan) (Vanguard-NYU\_0000040-50) produced by third-party Vanguard in this action.

21. Attached hereto as **Exhibit 20** is a true and correct copy of the October 1, 2012 TIAA-CREF Recordkeeping Services Agreement (Medical Plan) (NYU0000564-585) produced by NYU in this action.

22. Attached hereto as **Exhibit 21** is a true and correct copy of the August 22, 2016 Amendment No. 1 to TIAA-CREF Recordkeeping Services Agreement (Medical Plan) (NYU0000589-92) produced by NYU in this action.

23. Attached hereto as **Exhibit 22** is a true and correct copy of relevant excerpts of the deposition testimony transcript of Heming, dated December 13, 2017.

24. Attached hereto as **Exhibit 23** is a true and correct copy of the relevant excerpts of the deposition testimony transcript of Petti, dated November 14, 2017.

25. Attached hereto as **Exhibit 24** is a true and correct copy of the September 13, 2007 Retirement Committee Meeting Minutes (NYU0002387) produced by NYU in this action.

26. Attached hereto as **Exhibit 25** is a true and correct copy of the January 31, 2008 NYU Retirement Committee Meeting Minutes (NYU0003846-48) produced by NYU in this action.

27. Attached hereto as **Exhibit 26** is a true and correct copy of the October 8, 2008 Defined Contribution Investment Consulting Services Meeting Notes (NYU0003671-73) produced by NYU in this action.

28. Attached hereto as **Exhibit 27** is a true and correct copy of the February 4, 2009 NYU Retirement Committee Meeting Minutes (NYU0083304-06) produced by NYU in this action.

29. Attached hereto as **Exhibit 28** is a true and correct copy of the May 15, 2009 Due Diligence Meeting Notes (NYU0003086-89) produced by NYU in this action and which was entered as an Exhibit by Plaintiffs in the deposition of Petti.

30. Attached hereto as **Exhibit 29** is a true and correct copy as of January 9, 2018 of the NYU Principles of Joint Shared Governance, which is publicly available at <https://www.nyu.edu/about/leadership-university-administration/university-senate/membership/councils/tenured-tenure-track-faculty-senators-council/rules-bylaws/principles-of-joint-shared-governance.html>.

31. Attached hereto as **Exhibit 30** is a true and correct copy of the December 9, 2009 NYU Retirement Committee Minutes (NYU0002885-86) produced by NYU in this action and which was entered as an Exhibit by Plaintiffs in the deposition of Hollnsteiner.

32. Attached hereto as **Exhibit 31** is a true and correct copy of the January 21, 2010 NYU Retirement Committee Meeting Minutes (NYU0094055-56) produced by NYU in this action.

33. Attached hereto as **Exhibit 32** is a true and correct copy of the February 18, 2010 NYU Retirement Committee Minutes (NYU0094132-35) produced by NYU in this action.

34. Attached hereto as **Exhibit 33** is a true and correct copy of the March 18, 2010 (mistakenly dated March 18, 2009) Retirement Committee for the New York University, NYU Langone, and NYU Polytechnic 403(b) and 457 (b) Plans Meeting Minutes (NYU0002872-76) produced by NYU in this action.

35. Attached hereto as **Exhibit 34** is a true and correct copy of the April 19, 2010 NYU Retirement Committee Meeting Minutes (NYU0004040-42) produced by NYU in this action.

36. Attached hereto as **Exhibit 35** is a true and correct copy of the June 14, 2010 NYU Retirement Committee Meeting Minutes (NYU0002881-83) produced by NYU in this action.

37. Attached hereto as **Exhibit 36** is a true and correct copy of the September 23, 2010 NYU Retirement Committee Meeting Minutes (NYU002388-90) produced by NYU in this action and which was entered as an Exhibit by Plaintiffs in the deposition of Hollnsteiner.

38. Attached hereto as **Exhibit 37** is a true and correct copy of the November 2, 2010 NYU Retirement Committee Meeting Minutes (NYU0005074-76) produced by NYU in this action and which was entered as an Exhibit by Plaintiffs in the depositions of Halley and Suhr.

39. Attached hereto as **Exhibit 38** is a true and correct copy of the January 10, 2011 NYU Retirement Committee Meeting Minutes (NYU0003674-77) produced by NYU in this action.

40. Attached hereto as **Exhibit 39** is a true and correct copy of the March 21, 2011 NYU Retirement Committee Meeting Minutes (NYU0002099-102) produced by NYU in this action and which was entered as an Exhibit by Plaintiffs in the depositions of Rezler and Woodruff.

41. Attached hereto as **Exhibit 40** is a true and correct copy of the April 1, 2011 NYU Retirement Committee Meeting Minutes (NYU0004047-49) produced by NYU in this action and which was entered as an Exhibit by Plaintiffs in the depositions of Rezler and Woodruff.

42. Attached hereto as **Exhibit 41** is a true and correct copy of the June 9, 2011 NYU Retirement Committee Meeting Minutes (NYU004053-54) produced by NYU in this action.

43. Attached hereto as **Exhibit 42** is a true and correct copy of the August 15, 2011 NYU Retirement Committee Meeting Minutes (NYU0004043-46) produced by NYU in this action.

44. Attached hereto as **Exhibit 43** is a true and correct copy of the November 14, 2011 NYU Retirement Committee Meeting Minutes (NYU0003083-85) produced by NYU in this action.

45. Attached hereto as **Exhibit 44** is a true and correct copy of the February 21, 2012 NYU Retirement Committee Meeting Minutes (NYU0094959-62) produced by NYU in this action.

46. Attached hereto as **Exhibit 45** is a true and correct copy of the May 17, 2012 NYU Retirement Committee Meeting Minutes (NYU0004055-58) produced by NYU in this action and which was entered as an Exhibit by Plaintiffs in the deposition of Hollnsteiner.

47. Attached hereto as **Exhibit 46** is a true and correct copy of the September 4, 2012 NYU Retirement Committee Meeting Minutes (NYU0004050-52) produced by NYU in this action.

48. Attached hereto as **Exhibit 47** is a true and correct copy of the November 16, 2012 NYU Retirement Committee Meeting Minutes (NYU0001942-44) produced by NYU in this action.

49. Attached hereto as **Exhibit 48** is a true and correct copy of the February 22, 2013 NYU Retirement Committee Meeting Minutes (NYU0002557-60) produced by NYU in this action and which was entered as an Exhibit by Plaintiffs in the depositions of Halley and Suhr.

50. Attached hereto as **Exhibit 49** is a true and correct copy of the June 14, 2013 NYU Retirement Committee Meeting Minutes (NYU0002391-94) produced by NYU in this action.

51. Attached hereto as **Exhibit 50** is a true and correct copy of the November 25, 2013 NYU Retirement Committee Meeting Minutes (NYU0002092-94) produced by NYU in this action.

52. Attached hereto as **Exhibit 51** is a true and correct copy of the February 26, 2014 NYU Retirement Committee Meeting Minutes (NYU0004589-91) produced by NYU in this action.

53. Attached hereto as **Exhibit 52** is a true and correct copy of the May 22, 2014 NYU Retirement Committee Meeting Minutes (NYU0002384-86) produced by NYU in this action.

54. Attached hereto as **Exhibit 53** is a true and correct copy of the August 19, 2014 NYU Retirement Committee Meeting Minutes (NYU0002865-67) produced by NYU in this action.

55. Attached hereto as **Exhibit 54** is a true and correct copy of the October 3, 2014 NYU Retirement Committee Ad Hoc Meeting to Discuss Defined Benefit Plans (NYU0002714-15) produced by NYU in this action.

56. Attached hereto as **Exhibit 55** is a true and correct copy of the December 11, 2014 NYU Retirement Committee Meeting Minutes (NYU0002779-82) produced by NYU in this action.



57. Attached hereto as **Exhibit 56** is a true and correct copy of the February 26, 2015 NYU Retirement Committee Due Diligence Meeting Notes (NYU0003948-50) produced by NYU in this action.

58. Attached hereto as **Exhibit 57** is a true and correct copy of the June 9, 2015 NYU/NYU Langone Retirement Committee Meeting Minutes (NYU0003849-51) produced by NYU in this action.

59. Attached hereto as **Exhibit 58** is a true and correct copy of the September 15, 2015 NYU/NYU Langone Retirement Committee Due Diligence Meeting Minutes (NYU0005069-71) produced by NYU in this action.

60. Attached hereto as **Exhibit 59** is a true and correct copy of the December 16, 2015 NYU/NYU Langone Retirement Committee Due Diligence Meeting Minutes (NYU0003275-78) produced by NYU in this action and which was entered as an Exhibit by Plaintiffs in the deposition of Heming.

61. Attached hereto as **Exhibit 60** is a true and correct copy of the March 2, 2016 NYU/NYU Langone Retirement Committee Due Diligence Meeting Minutes (NYU0113120-21) produced by NYU in this action.

62. Attached hereto as **Exhibit 61** is a true and correct copy of the June 1, 2016 NYU/NYU Langone Retirement Committee Due Diligence Meeting Minutes (NYU0002889-91) produced by NYU in this action.

63. Attached hereto as **Exhibit 62** is a true and correct copy of the September 8, 2016 Due Diligence Meeting Minutes (NYU0026303-06) produced by NYU in this action.

64. Attached hereto as **Exhibit 63** is a true and correct copy of the December 12, 2016 NYU/NYU Langone Retirement Committee Due Diligence Meeting Minutes (NYU0026298-300) produced by NYU in this action.

65. Attached hereto as **Exhibit 64** is a true and correct copy of the February 23, 2017 NYU/NYU Langone Retirement Committee Due Diligence Meeting Minutes (NYU0163208-11) produced by NYU in this action.

66. Attached hereto as **Exhibit 65** is a true and correct copy of the May 24, 2017 NYU/NYU Langone Retirement Committee Due Diligence Meeting Minutes (NYU0162850-52) produced by NYU in this action.

67. Attached hereto as **Exhibit 66** is a true and correct copy of Plaintiff's Brown's TIAA Supplemental Retirement Annuity Contract (TIAA\_NYU\_00013752-877) produced by third-party TIAA in this action.

68. Attached hereto as **Exhibit 67** is a true and correct copy of Plaintiff Marie Monaco's June 1, 2012 TIAA Group Retirement Annuity Certificate (TIAA\_NYU\_00013878-983) produced by third-party TIAA in this action.

69. Attached hereto as **Exhibit 68** is a true and correct copy of relevant excerpts of the deposition testimony transcript of Meagher, dated December 15, 2017.

70. Attached hereto as **Exhibit 69** is a true and correct copy of relevant excerpts of the deposition testimony transcript of Plaintiff Crispin Miller, dated November 15, 2017.

71. Attached hereto as **Exhibit 70** is a true and correct copy of Plaintiff Crispin Miller's Vanguard Quarterly Statement for 3rd Quarter (NYU0084118-22) produced by NYU in this action and was entered as Exhibit 4 in the deposition of Crispin Miller.

72. Attached hereto as **Exhibit 71** is a true and correct copy of relevant excerpts of the deposition testimony transcript of Plaintiff Monaco, dated November 17, 2017.

73. Attached hereto as **Exhibit 72** is a true and correct copy as of January 10, 2018 of the NYU website profile for Plaintiff Monaco, which is publicly available at <https://med.nyu.edu/faculty/marie-e-monaco>.

74. Attached hereto as **Exhibit 73** (Sampling of Monaco Quarterly Statements 2009-2017) are true and correct copies of Monaco TIAA 2009 Quarterly Statement for 3rd Quarter (TIAA\_NYU\_00016635-44), Monaco TIAA 2010 Quarterly Statement for 4th Quarter (TIAA\_NYU\_00012750-59), Monaco TIAA 2011 Quarterly Statement for 4th Quarter (TIAA\_NYU\_00012760-69), Monaco TIAA 2012 Quarterly Statement for 4th Quarter (TIAA\_NYU\_00012770-81), Monaco TIAA 2013 Quarterly Statement for 4th Quarter (TIAA\_NYU\_00012782-93), Monaco TIAA 2014 Quarterly Statement for 4th Quarter (TIAA\_NYU\_00012794-805), Monaco TIAA 2015 Quarterly Statement for 4th Quarter (TIAA\_NYU\_00012806-21), and Monaco TIAA 2016 Quarterly Statement for 4th Quarter (TIAA\_NYU\_00016719-34), and Monaco TIAA 2017 Quarterly Statement for 2nd Quarter (TIAA\_NYU\_00016749-62) produced by third-party TIAA in this action.

75. Attached hereto as **Exhibit 74** is a true and correct copy as of January 4, 2018 of the NYU website profile for Plaintiff Straussner, which is publicly available at <http://socialwork.nyu.edu/our-faculty/full-time/shulamith-lala-ashenberg-straussner.html>.

76. Attached hereto as **Exhibit 75** is a true and correct copy of relevant excerpts of the deposition testimony transcript of Plaintiff Straussner, dated November 16, 2017.

77. Attached hereto as **Exhibit 76** (Sampling of Straussner TIAA Quarterly Statements 2009-2017) are true and correct copies of Straussner TIAA 2009 Quarterly Statement

for 4th Quarter (TIAA\_NYU\_00016659-68), Straussner TIAA 2010 Quarterly Statement for 4th Quarter (TIAA\_NYU\_00013454-63), Straussner TIAA 2011 Quarterly Statement for 4th Quarter (TIAA\_NYU\_00013464-73), Straussner TIAA 2012 Quarterly Statement for 4th Quarter (TIAA\_NYU\_00013474-85), Straussner TIAA 2013 Quarterly Statement for 4th Quarter (TIAA\_NYU\_00013486-97), Straussner TIAA 2014 Quarterly Statement for 4th Quarter (TIAA\_NYU\_00013498-509), Straussner TIAA 2015 Quarterly Statement for 4th Quarter (TIAA\_NYU\_00013510-27), Straussner TIAA 2016 Quarterly Statement for 4th Quarter (TIAA\_NYU\_00016845-58), and Straussner TIAA 2017 Quarterly Statement for 2nd Quarter (TIAA\_NYU\_00016873-86) produced by third-party TIAA in this action.

78. Attached hereto as **Exhibit 77** is a true and correct copy of Straussner TIAA Participant Account Statement as of December 31 2016 (NYU00026998) produced by NYU in this action and entered as Exhibit 14 in the deposition of Straussner.

79. Attached hereto as **Exhibit 78** is a true and correct copy of the Straussner Vanguard 2016 Quarterly Statement for 3rd Quarter (NYU0084043-47) produced by NYU in this action.

80. Attached hereto as **Exhibit 79** is a true and correct copy of relevant excerpts of the deposition testimony transcript of Plaintiff Brown, dated November 29, 2017.

81. Attached hereto as **Exhibit 80** is a true and correct copy of the Brown 2014 Vanguard Quarterly Statement, 1st Quarter (PLA-NYU-000304-309) produced by Plaintiffs in this action.

82. Attached hereto as **Exhibit 81** is a true and correct copy of the Brown 2016 Vanguard Quarterly Statement, 3rd Quarter (PLA-NYU-000628-33) produced by Plaintiffs in this action.

83. Attached hereto as **Exhibit 82** is a true and correct copy of the Brown 2017 TIAA Quarterly Statement, 2nd Quarter (TIAA\_NYU\_00016683-88) produced by third-party TIAA in this action.

84. Attached hereto as **Exhibit 83** is a true and correct copy of relevant excerpts of the deposition testimony transcript of Plaintiff Sacerdote, dated November 16, 2017.

85. Attached hereto as **Exhibit 84** (Sampling of Sacerdote TIAA Quarterly Statements 2012-2017) are true and correct copies of Sacerdote 2012 TIAA Quarterly Statement, 4th Quarter (TIAA\_NYU\_00013174-85), Sacerdote 2013 TIAA Quarterly Statement, 4th Quarter (TIAA\_NYU\_00013186-97), Sacerdote 2014 TIAA Quarterly Statement, 4th Quarter (TIAA\_NYU\_00013198-209), Sacerdote 2015 TIAA Quarterly Statement, 4th Quarter (TIAA\_NYU\_00013016-31), Sacerdote 2016 TIAA Quarterly Statement, 4th Quarter (TIAA\_NYU\_00016763-78), and Sacerdote 2017 TIAA Quarterly Statement, 2nd Quarter (TIAA\_NYU\_00016793) produced by TIAA in this action.

86. Attached hereto as **Exhibit 85** is a true and correct copy of relevant excerpts of the deposition testimony transcript of Plaintiff Samuels, dated November 29, 2017.

87. Attached hereto as **Exhibit 86** is a true and correct copy as of January 10, 2018 of the NYU website profile for Plaintiffs Samuels, publicly available at <https://med.nyu.edu/faculty/herbert-h-samuels>.

88. Attached hereto as **Exhibit 87** (Sampling of Samuels TIAA Quarterly Statements 2009-2017) are true and correct copies of Samuels TIAA 2009 Quarterly Statement, 4th Quarter (TIAA\_NYU\_0016645-50), 2010 Samuels Quarterly Statement, 4th Quarter (TIAA\_NYU\_00013412-17), 2011 Samuels Quarterly Statement, 4th Quarter (TIAA\_NYU\_00013418-23), 2012 Samuels Quarterly Statement, 4th Quarter

(TIAA\_NYU\_00013424-33), 2013 Samuels Quarterly Statement, 4th Quarter  
(TIAA\_NYU\_00013434-43), 2014 Samuels Quarterly Statement, 4th Quarter  
(TIAA\_NYU\_00013444-53), 2015 Samuels Quarterly Statement, 4th Quarter  
(TIAA\_NYU\_00013210-23), 2016 Samuels Quarterly Statement, 4th Quarter  
(TIAA\_NYU\_00016807-20), 2017 Samuels Quarterly Statement, 2nd Quarter  
(TIAA\_NYU\_00016833-44) produced by third-party TIAA in this action.

89. Attached hereto as **Exhibit 88** is a true and correct copy of the Retirement Plan Committee Charter (NYU0034912-21) produced by NYU in this action.

90. Attached hereto as **Exhibit 89** is a true and correct copy of the relevant excerpts of the deposition testimony transcript of Rezler, dated November 16, 2017.

91. Attached hereto as **Exhibit 90** is a true and correct copy of the May 2008 Cammack Lahrette Consulting (“Cammack”) Defined Contribution Retirement Plan Investment Consulting Services Proposal (CL0000285-318) produced by third-party Cammack in this action.

92. Attached hereto as **Exhibit 91** is a true and correct copy of the sworn Declaration of Jan Rezler in Support of Defendants’ Motion for Summary Judgment, dated January 10, 2018.

93. Attached hereto as **Exhibit 92** is a true and correct copy of the April 8, 2009 Cammack Larhette Advisors, LLC Investment Advisory Services Agreement (NYU0096711-20) produced by NYU in this action.

94. Attached hereto as **Exhibit 93** is a true and correct copy of a May 10, 2012 E-mail re: NYU/NYU Langone Retirement Committee Meeting – May 17, 2012 with attachments (CLC0033465-682) produced by third-party Cammack in this action.

95. Attached hereto as **Exhibit 94** is a true and correct copy of the New York University, New York University School of Medicine, NYU Hospitals Center, Polytechnic Institute of NYU Defined Contribution Retirement Programs Request for Proposal, July 31, 2009 (CLC0022136-57) produced by third-party Cammack in this action.

96. Attached hereto as **Exhibit 95** is a true and correct copy of the New York University NYU Langone Medical Center January 2011 Retirement Plan Vendor Consolidation presentation (CLC0025186-93) produced by third-party Cammack in this action.

97. Attached hereto as **Exhibit 96** is a true and correct copy of a September 25, 2009 e-mail attaching the September 2009 TIAA Response to Request for Proposal Submission (TIAA\_NYU\_00031578- 997), produced by third-party TIAA in this action. Exhibit 96 includes printouts of an excel document attached to the e-mail, which was produced by TIAA in native format.

98. Attached hereto as **Exhibit 97** is a true and correct copy of the September 25, 2009 Vanguard Response to Request for Proposal (CLC0019278-329) produced by third-party Cammack in this action.

99. Attached hereto as **Exhibit 98** is a true and correct copy the September 2009 Fidelity Investments Response to Request for Proposal (CLC0022812-869) produced by third-party Cammack in this action.

100. Attached hereto as **Exhibit 99** is a true and correct copy of the relevant excerpts of the deposition testimony transcript of Halley, dated November 3, 2017.

101. Attached hereto as **Exhibit 100** is a true and correct copy of the relevant excerpts of the deposition testimony transcript of Hueber, dated November 22, 2017.

102. Attached hereto as **Exhibit 101** is a true and correct copy of TIAA, *Awards & Recognition*, which is publicly available at <https://www.tiaa.org/public/about-tiaa/awards-recognition>.

103. Attached hereto as **Exhibit 102** is a true and correct copy of the October 1, 2012 Custodial Account Agreement for 403(b) Plan (Medical Plan) (NYU0000597-610) produced by NYU in this action.

104. Attached hereto as **Exhibit 103** is a true and correct copy of a May-July 2016 e-mail chain re: NYY Washington Square Shareclass Analysis (Vanguard-NYU\_0076187-95) produced by third-party Vanguard in this action. Exhibit 103 includes printouts of an excel document attached to the e-mail, which was produced by Vanguard in native format.

105. Attached hereto as **Exhibit 104** is a true and correct copy of the April 4, 2016 Amended Restated Charter of TIAA, which is publicly available at [https://www.tiaa.org/public/pdf/tiaa\\_charter.pdf](https://www.tiaa.org/public/pdf/tiaa_charter.pdf).

106. Attached hereto as **Exhibit 105** is a true and correct copy of the Charter of College Retirement Equities Fund, as amended August 23, 2002, which is publicly available at [https://www.tiaa.org/public/pdf/cref\\_charter.pdf](https://www.tiaa.org/public/pdf/cref_charter.pdf).

107. Attached hereto as **Exhibit 106** is a true and correct copy of the 2011 Form 5500 (Medical Plan) (PLA-NYU-004657-97) produced by Plaintiffs in this action.

108. Attached hereto as **Exhibit 107** is a true and correct copy the 2010 Form 5500 (Medical Plan) (PLA-NYU-004616-56) produced by Plaintiffs in this action.

109. Attached hereto as **Exhibit 108** is a true and correct copy of the 2012 Form 5500 (Medical Plan) (NYU0018987-9030) produced by NYU in this action.



110. Attached hereto as **Exhibit 109** is a true and correct copy of a February 4, 2013 e-mail re: Explanation of the Return of Excess Plan Expenses (“Revenue Credits”) with attachments (CLC0036515-21) produced by third-party Cammack in this action.

111. Attached hereto as **Exhibit 110** is a true and correct copy of the January 1, 2012 to December 31, 2012 TIAA-CREF Service Provider Summary for NYU (TIAA\_NYU\_00001612-15) produced by third-party TIAA in this action.

112. Attached hereto as **Exhibit 111** is a true and correct copy of the January 1, 2012 to December 31, 2012 TIAA-CREF Service Provider Summary for the NYU School of Medicine (TIAA\_NYU\_0000060-66) produced by third-party TIAA in this action.

113. Attached hereto as **Exhibit 112** is a true and correct copy of the January 1, 2013 to December 31, 2013 TIAA-CREF Service Provider Summary for NYU (TIAA\_NYU\_00002345-47) produced by third-party TIAA in this action.

114. Attached hereto as **Exhibit 113** is a true and correct copy of the January 1, 2013 to December 31, 2013 TIAA-CREF Service Provider Summary for NYU School of Medicine (TIAA\_NYU\_00000074-80) produced by third-party TIAA in this action.

115. Attached hereto as **Exhibit 114** is a true and correct copy of the January 1, 2014 to December 31, 2014 TIAA-CREF Service Provider Summary for NYU (TIAA\_NYU\_00003139-141) produced by third-party TIAA in this action.

116. Attached hereto as **Exhibit 115** is a true and correct copy of the January 1, 2014 to December 31, 2014 TIAA-CREF Service Provider Summary for NYU School of Medicine (TIAA\_NYU\_00000088-94) produced by third-party TIAA in this action.

117. Attached hereto as **Exhibit 116** is a true and correct copy of the January 1, 2015 to December 31, 2015 TIAA-CREF Service Provider Summary for NYU (TIAA\_NYU\_00003985-87) produced by third-party TIAA in this action.

118. Attached hereto as **Exhibit 117** is a true and correct copy of the January 1, 2015 to December 31, 2015 TIAA-CREF Service Provider Summary for NYU School of Medicine (TIAA\_NYU\_00000112-19) produced by third-party TIAA in this action.

119. Attached hereto as **Exhibit 118** is a true and correct copy of the January 1, 2016 to December 31, 2016 TIAA-CREF Service Provider Summary for NYU (TIAA\_NYU\_00004819-21) produced by third-party TIAA in this action.

120. Attached hereto as **Exhibit 119** is a true and correct copy as of January 5, 2018 of the article titled “Why ownership matters” posted on Vanguard’s webpage and publicly available at <https://about.vanguard.com/what-sets-vanguard-apart/why-ownership-matters/>.

121. Attached hereto as **Exhibit 120** is a true and correct copy of the 2013 Form 5500 for the Medical Plan (PLA-NYU-004742-85) produced by Plaintiffs in this action.

122. Attached hereto as **Exhibit 121** is a true and correct copy of the 2014 Form 5500 for the Medical Plan (NYU0000518-63) produced by NYU in this action.

123. Attached hereto as **Exhibit 122** is a true and correct copy of the January 1, 2013 to December 31, 2013 TIAA-CREF Investment Fee and Expense Disclosure for NYU School of Medicine (TIAA\_NYU\_00000069-73) produced by third-party TIAA in this action and entered as an Exhibit by Plaintiffs in the deposition of Chittenden.

124. Attached hereto as **Exhibit 123** is a true and correct copy of the Vanguard All-in fee disclosure for NYU (as of June 30, 2011) (Vanguard-NYU\_0001203-218) produced by third-party Vanguard in this action and entered by Plaintiffs in the deposition of Heming.

125. Attached hereto as **Exhibit 124** is a true and correct copy of the Vanguard All-in fee disclosure for NYU (as of April 30, 2012) (NYU0000385-407) produced by NYU in this action.

126. Attached hereto as **Exhibit 125** is a true and correct copy of the 2015 Form 5500 for the Medical Plan (PLA-NYU-004832-76) produced by Plaintiffs in this action.

127. Attached hereto as **Exhibit 126** is a true and correct copy of the Vanguard All-in fee disclosure for NYU (as of April 30, 2015) (NYU0000277-309) produced by NYU in this action and was entered by Plaintiffs as an Exhibit in the deposition of Hollnsteiner.

128. Attached hereto as **Exhibit 127** is a true and correct copy of a March 29, 2011 e-mail from Jan Rezler, attaching meeting materials for the April 1, 2011 meeting of the Retirement Committee, including a Quarterly Analysis of the TIAA Real Estate Account and draft Investment Policy Statement (CLC0025965-6081), produced by third-party Cammack in this action.

129. Attached hereto as **Exhibit 128** is a true and correct copy of a June 17, 2011 e-mail re: June 9 Retirement Committee Materials, attaching the approved working draft of the Investment Policy Statement for the Committee (CLC0027134-42), produced by third-party Cammack and was entered by Plaintiffs as an Exhibit in the deposition of Woodruff.

130. Attached hereto as **Exhibit 129** is a true and correct copy of a January 7, 2011 e-mail from Jan Rezler re: NYU Ret Comm Mtg (CLC0025238) produced by third-party Cammack in this action.

131. Attached hereto as **Exhibit 130** is a true and correct copy of a September 28, 2011 e-mail from Jan Rezler to Vanguard re: NYU/NYU Langone (CLC0027969-81) produced by third-party Cammack in this action.

132. Attached hereto as **Exhibit 131** is a true and correct copy of the CREF Stock Account Factsheet (as of September 30, 2017), which is publicly available at <https://www.tiaa.org/public/pdf/ffs/194408803.pdf>.

133. Attached hereto as **Exhibit 132** is a true and correct copy of sworn Declaration of Glenn Friedman, Senior Director, Institutional Retirement Business Management, at TIAA, dated December 22, 2017.

134. Attached hereto as **Exhibit 133** is a true and correct copy May 1, 2017 College Retirement Equities Fund (“CREF”) Prospectus, which is publicly available at [https://www.tiaa.org/public/pdf/cref\\_prospectus.pdf](https://www.tiaa.org/public/pdf/cref_prospectus.pdf).

135. Attached hereto as **Exhibit 134** is a true and correct copy of the June 30, 2011 CREF Semiannual Report, which is publicly available at [https://www.sec.gov/Archives/edgar/data/777535/000093041311005727/c66114\\_ncsrs.htm](https://www.sec.gov/Archives/edgar/data/777535/000093041311005727/c66114_ncsrs.htm).

136. Attached hereto as **Exhibit 135** is a true and correct copy of the May 1, 2017 TIAA Real Estate Account Prospectus, which is publicly available at [https://www.tiaa.org/public/pdf/realestate\\_prosp.pdf](https://www.tiaa.org/public/pdf/realestate_prosp.pdf).

137. Attached hereto as **Exhibit 136** is a true and correct copy of the TIAA Real Estate Stock Account Factsheet (as of September 30, 2017), which is publicly available at <https://www.tiaa.org/public/pdf/ffs/878094200.pdf>.

138. Attached hereto as **Exhibit 137** is a true and correct copy of October 2016 NYU Request for Proposal for Defined Contribution Recordkeeping Services (CLC0056516-43), produced by third-party Cammack in this action.

139. Attached hereto as **Exhibit 138** is a true and correct copy of the December 2016 summary of responses to the October 2016 NYU Request for Proposal for Defined

Recordkeeping Services drafted by Cammack (CLC0058915-48) produced by third-party Cammack in this action.

140. Attached hereto as **Exhibit 139** is a true and correct copy of the TIAA Real Estate Account Quarterly Performance Analysis for the Quarter Ended September 30, 2015, which is publicly available at [https://www.tiaa.org/public/pdf/TC\\_TIAA+\\_REA\\_QPA.pdf](https://www.tiaa.org/public/pdf/TC_TIAA+_REA_QPA.pdf).

141. Attached hereto as **Exhibit 140** is a true and correct copy of the sworn Declaration of Lassaad Adel Turki, Ph.D., dated January 10, 2018.

142. Attached hereto as **Exhibit 141** is a true and correct copy of the Expert Report of Daniel R. Fischer, dated December 12, 2017, which NYU severed on Plaintiffs on December 22, 2017.

143. Attached hereto as **Exhibit 142** is a true and correct copy of relevant excerpts of the deposition testimony transcript of Surh, dated November 7, 2017.

144. Attached hereto as **Exhibit 143** is a true and correct copy of the January 1, 2016 to December 31, 2016 TIAA-CREF Service Provider Summary for NYU School of Medicine (TIAA\_NYU\_00000126-33), produced by third-party TIAA in this action.

145. Attached hereto as **Exhibit 144** is a true and correct copy of the May 24, 2012 Vanguard All-in Fee Disclosure for the NYU School of Medicine (as of April 30, 2012) (NYU0161209-233), produced by NYU in this action.

146. Attached hereto as **Exhibit 145** is a true and correct copy of a February 15, 2012 e-mail re: Agenda and Materials for February 21, 2012 Retirement Committee Meeting, attaching a due diligence report and other materials (NYU0012446-655), produced by NYU in this action.

147. Attached hereto as **Exhibit 146** is a true and correct copy of the November 18, 2013 e-mail re: Retirement Committee Meeting Materials for November 25, 201, attaching a due diligence report and other materials (CLC0038632-784), produced by third-party Cammack in this action.

148. Attached hereto as **Exhibit 147** is a true and correct copy of the May 16, 2017 e-mail re: NYU/NYU Langone Retirement Committee Meeting- May 22, 2014, attaching a due diligence report and other materials (CLC0040656-861), produced by third-party Cammack in this action.

149. Attached hereto as **Exhibit 148** is a true and correct copy the September 11, 2015 e-mail re: Retirement Committee Meeting on September 15, 2015, attaching a due diligence report and other materials (CLC0048248-408), produced by third-party Cammack in this action.

150. Attached hereto as **Exhibit 149** is a true and correct copy the September 1, 2016 e-mail re: Retirement Committee Meeting Materials, attaching a due diligence report and other materials (CLC0054806-993), produced by third-party Cammack in this action.

151. Attached hereto as **Exhibit 150** is a true and correct copy of the 2010 Form 5500 for the Faculty Plan (PLA-NYU-004248-4288) produced by Plaintiffs in this action.

152. Attached hereto as **Exhibit 151** is a true and correct copy of the 2011 Form 5500 for the Faculty Plan (PLA-NYU-004289-329) produced by Plaintiffs in this action.

153. Attached hereto as **Exhibit 152** is a true and correct copy of 2012 Form 5500 for the Faculty Plan (PLA-NYU-004330-72) produced by Plaintiffs in this action.

154. Attached hereto as **Exhibit 153** is a true and correct copy of the 2013 Form 5500 for the Faculty Plan (PLA-NYU-004373-415) produced by Plaintiffs in this action.

155. Attached hereto as **Exhibit 154** is a true and correct copy of the 2014 Form 5500 for the Faculty Plan (NYU0000197-240) produced by NYU in this action.

156. Attached hereto as **Exhibit 155** is a true and correct copy of the 2015 Form 5500 for the Faculty Plan (PLA-NYU-004166-208) produced by Plaintiffs in this action.

157. Attached hereto as **Exhibit 156** is a true and correct copy of the January 1, 2010 to December 31, 2010 TIAA-CREF Service Provider Summary for the NYU School of Medicine (TIAA\_NYU\_00016220-21) produced by third-party TIAA in this action.

158. Attached hereto as **Exhibit 157** is a true and correct copy of the January 1, 2011 to December 31, 2011 TIAA-CREF Service Provider Summary for the NYU School of Medicine (TIAA\_NYU\_00015750-51) produced by third-party TIAA in this action.

159. Attached hereto as **Exhibit 158** is a true and correct copy of the January 1, 2010 to December 31, 2010 TIAA-CREF Service Provider Summary for NYU (TIAA\_NYU\_00000244-46) produced by third-party TIAA in this action and entered by Plaintiffs as an Exhibit in the deposition of Chittenden.

160. Attached hereto as **Exhibit 159** is a true and correct copy of the January 1, 2011 to December 31, 2011 TIAA-CREF Service Provider Summary for NYU (TIAA\_NYU\_00000902-04), produced by third-party TIAA in this action.

161. Attached hereto as **Exhibit 160** is a true and correct copy of the Vanguard All-in Fee Disclosure for NYU (as of April 30, 2013) (NYU0000310-33), produced by NYU in this action.

162. Attached hereto as **Exhibit 161** is a true and correct copy of the January 1, 2010 to December 31, 2010 TIAA-CREF Investment Fee & Expense Disclosure for NYU

(TIAA\_NYU\_00000213-14), produced by third-party TIAA in this action and entered as an Exhibit by Plaintiffs in the deposition of Chittenden.

163. Attached hereto as **Exhibit 162** is a true and correct copy of the January 1, 2011 to December 31, 2011 TIAA-CREF Investment Fee & Expense Disclosure for NYU (TIAA\_NYU\_00000869-70), produced by third-party TIAA in this action.

164. Attached as **Exhibit 163** is a true and correct copy of the January 1, 2012 to December 31, 2012 TIAA-CREF Investment Fee & Expense Disclosure for NYU (TIAA\_NYU\_00001578-79), produced by third-party TIAA in this action.

165. Attached as **Exhibit 164** is a true and correct copy of the January 1, 2013 to December 31, 2013 TIAA-CREF Investment Fee & Expense Disclosure for NYU (TIAA\_NYU\_00002308-9), produced by third-party TIAA in this action.

166. Attached as **Exhibit 165** is a true and correct copy of the January 1, 2014 to December 31, 2014 TIAA-CREF Investment Fee & Expense Disclosure for NYU (TIAA\_NYU\_00003096-7), produced by third-party TIAA in this action.

167. Attached as **Exhibit 166** is a true and correct copy of the January 1, 2015 to December 31, 2015 TIAA-CREF Investment Fee & Expense Disclosure for NYU (TIAA\_NYU\_00003942-43), produced by third-party TIAA in this action.

168. Attached as **Exhibit 167** is a true and correct copy of the January 1, 2010 to December 31, 2010 TIAA-CREF Investment Fee & Expense Disclosure for the NYU School of Medicine (TIAA\_NYU\_00016191), produced by third-party TIAA in this action.

169. Attached as **Exhibit 168** is a true and correct copy of the January 1, 2011 to December 31, 2011 TIAA-CREF Investment Fee & Expense Disclosure for the NYU School of Medicine (TIAA\_NYU\_00015726-27), produced by third-party TIAA in this action.



170. Attached as **Exhibit 169** is a true and correct copy of the January 1, 2012 to December 31, 2012 TIAA-CREF Investment Fee & Expense Disclosure for the NYU School of Medicine (TIAA\_NYU\_00000056-59), produced by third-party TIAA in this action.

171. Attached as **Exhibit 170** is a true and correct copy of the January 1, 2013 to December 31, 2013 TIAA-CREF Investment Fee & Expense Disclosure for the NYU School of Medicine (TIAA\_NYU\_00000069-73), produced by third-party TIAA in this action.

172. Attached as **Exhibit 171** is a true and correct copy of the January 1, 2014 to December 31, 2014 TIAA-CREF Investment Fee & Expense Disclosure for the NYU School of Medicine (TIAA\_NYU\_00000083-87), produced by third-party TIAA in this action.

173. Attached as **Exhibit 172** is a true and correct copy of the January 1, 2015 to December 31, 2015 TIAA-CREF Investment Fee & Expense Disclosure for the NYU School of Medicine (TIAA\_NYU\_00000107-111), produced by third-party TIAA in this action.

174. Attached as **Exhibit 173** is a true and correct copy of the 2012 TIAA-CREF Service and Fee Disclosure Package (Faculty Plan) and Cover Letter (TIAA\_NYU\_00015338-45), produced by third-party TIAA in this action.

175. Attached as **Exhibit 174** is a true and correct copy of the 2012 Investment Options Comparative Chart (Faculty Plan), filed as Exhibit 8 to ECF No. 46 in this matter.

176. Attached as **Exhibit 175** is a true and correct copy of the 2012 Investment Options Comparative Chart (Medical Plan), filed as Exhibit 9 to ECF No. 46 in this matter.

177. Attached as **Exhibit 176** is a true and correct copy of the March 17, 2010 Email re: Retirement Committee Meeting, Thursday March 18, 2010 including attachments (CLC0023521-39), produced by Cammack in this action.

178. Attached as **Exhibit 177** is a true and correct copy of the April 15, 2010 Email re: Agenda for Retirement Committee Meeting Monday April 19<sup>th</sup> including attachments (CLC0023674-80), produced by Cammack in this action.

179. Attached as **Exhibit 178** is a true and correct copy of the March 31, 2011 Fiduciary Due Diligence Report (CL0011629-765), produced by Cammack in this action.

I declare under penalty of perjury that the foregoing is true and correct. Executed on  
Dated: January 10, 2018.

/s/ Ian C. Taylor  
Ian C. Taylor